Public consultation on the Capacity Allocation Mechanisms Network Code: achievements and the way forward

A Introduction

With gas markets being impacted by a global pandemic (2020) and a European energy crisis (2022), the resilience of the current market rules (also known as “network codes”) has been tested. Although they have ensured a proper market functioning (see ACER’s Market Monitoring Reports and Congestions Reports), lessons have yet to be learnt to further enhance market resilience.

The European gas market must also be ready to align with the latest policy and technological developments, guaranteeing the Green Deal’s decarbonisation targets can be met.

Against this background, the latest European Gas Regulatory Forum has emphasised the importance of having gas market rules which can adequately reflect this evolution, and therefore prompted for the revision of the capacity allocation mechanisms network code (CAM NC).

As part of ACER’s review of the Network Code for Capacity Allocation Mechanisms (‘CAM NC’), ACER is assessing the achievements of CAM NC and scoping the areas of improvement.

ACER invites stakeholders to actively participate in its review by providing feedback on the scoping of the areas of improvement as well as making reasoned proposals on further areas of improvements that could be considered for eventually amending the CAM NC.

The ACER CAM NC scoping document (‘scoping document’) contains ACER’s review of the market rules regulating gas transmission capacity allocation in Europe and proposes a scoping of areas of improvements based on ACER’s work on CAM. It serves as the main consultation document to which the questions in this survey refer.

Please send your response to the questions by 5 January 2024, 12:00 noon (CET).

We invite stakeholders to bring forward concrete and succinct reasonings. Overly lengthy responses may not be processed.

The survey was corrected on 17 November for missing questions.

The stakeholder responses will be published on the Agency’s website. If you include commercially sensitive information in your reply, please mark the parts of your answer that are confidential as well as provide a non-confidential version for publication purposes.
B General information

1 Name and Surname:

2 Email

marketing@fluxys.com

3 Company:

Fluxys Group

4 Country:

- AT - Austria
- BE - Belgium
- BG - Bulgaria
- HR - Croatia
- CY - Cyprus
- CZ - Czechia
- DK - Denmark
- EE - Estonia
- FI - Finland
- FR - France
- DE - Germany
- EL - Greece
- HU - Hungary
- IE - Ireland
- IT - Italy
- LV - Latvia
- LT - Lithuania
- LU - Luxembourg
- MT - Malta
- NL - Netherlands
- PL - Poland
- PT - Portugal
- RO - Romania
- SK - Slovak Republic
- SI - Slovenia
- ES - Spain
- SE - Sweden
The following questions are organised per chapter and article of the CAM NC, first depicting ACER's review included in the scoping document, a question on how you assess the need for a change in the article, and a question inviting you to elaborate your answer with specific elements.

D CAM NC Preamble

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
</table>
| ACER Special Report on addressing congestion in North-West European gas markets | • To maximise technical capacity as well as (bundled) firm capacity (cf. p. 15-17)  
• A further strengthening of coordination between neighbouring system operators and regulatory authorities is needed, for instance, by harmonising calculation methodologies (cf. p. 16) | yes |
| N/A | Clear recital or New article on CAM principles  
• The core principles of capacity allocation mechanism must be explicitly defined in the NC. Allocation capacity mechanisms must guarantee the well-functioning of the internal market (GTI, guarantee the gas flows, not bottlenecks, bundled offer, cascading principle, market-based allocation, etc.) | yes |
8 Do you agree with ACER's review of the CAM NC Preamble and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

9 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys does not see the added value these proposals would bring to the functioning of the gas market. TSOs have already today an obligation/inherent incentive to maximize the capacity they offer to the market. Coordination between neighbouring TSO works well and CAM core principles are well known by all stakeholders and implemented in efficient booking platforms.

E CAM NC, Chapter I,
General provisions (Articles 1-3)

---

CAM NC

Article 1 – Subject matter

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>no</td>
</tr>
</tbody>
</table>

10 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
11. Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Subject matter is clearly defined.

CAM NC
Article 2 – Scope

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>&quot;When implicit allocation methods are applied, NRAs may decide not to apply article 8 to 37.&quot; (Article 5(2) of CAM NC)</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>• Make sure mechanisms of implicit allocation (IA) are consistent with the key principles of the CAM NC, in particular the principle of capacity bundling.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• To avoid distortions in the functioning of the Internal Market, CNMC considers that all capacity allocation mechanisms must respect the core principles of CAM. Consequently, the CAM NC should be revised article by article (in particular, art.8 to art.37) to analyse the consequences of not applying those articles when implicit allocation is in place.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Coordination when deciding and bundling as two key principles also for IA (CAM 191)</td>
<td></td>
</tr>
</tbody>
</table>

12. Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree

13. Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Implicit allocation is only an exception in the market and thus only implemented following NRA approval and market consultation. Far from being a barrier, implicit allocation mechanisms facilitate cross-border trade and play an important role for security of supply by interconnectors linking the UK to Europe. We hence do not see the need to change the current mechanism.
### CAM NC
**Article 3 – Definitions* (1/2)**

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACER Special Report on addressing congestion in North-West European gas markets</td>
<td>• &quot;Introduce the concept of ‘technical capacity’, which refers to the (non-static) maximum-flow capacity at a (virtual) interconnection point considering the network that is optimised for a most likely flow scenario, as opposed to ‘firm technical capacity’, which is the capacity that can be guaranteed in all flow scenarios. Both indicators shall be reported and updated by TSOs regularly&quot;; (CAM TF) • Time elements to be considered in these dynamic definitions; (CAM TF)</td>
<td>yes*</td>
</tr>
<tr>
<td>FUNC 01/2020 “Greater Flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note</td>
<td>• Realign auction calendar dates to span July-June</td>
<td>yes</td>
</tr>
</tbody>
</table>

* Alignment with definitions provided by hydrogen and decarbonised gas markets package

### CAM NC
**Article 3 – Definitions* (2/2)**

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>Review definition of implicit allocation (alignment with the key principles, in particular bundling) (CAM TF) • “Implicit allocation method” means a capacity allocation method where, possibly by means of an auction, both transmission capacity &gt; on both sides of the border &lt; and a corresponding quantity of gas are allocated at the same time;&quot; (Article 3(6) of CAM NC, with textual clarification)</td>
<td>yes</td>
</tr>
</tbody>
</table>

* Alignment with definitions provided by hydrogen and decarbonised gas markets package

---

**14** Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree

**15** Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?
Fluxys is neutral on the introduction of a new definition of "technical capacity" as TSOs already optimize the firm and interruptible capacity they offer to the market. Fluxys notes that the concept of "Technical Capacity" is already defined in the Regulation 715/2009 and hence does not see the need for a different definition.

Fluxys welcomes the proposal to realign auction calendar dates to span July-June.

See answer to Q13 regarding implicit allocation.

F CAM NC, Chapter II
Principles of cooperation (Articles 4-7)

CAM NC
Article 4 – Coordination of maintenance

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>/</td>
<td>/</td>
<td>no</td>
</tr>
</tbody>
</table>

16 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

17 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Coordination of maintenance works well
Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- An amendment may further improve the market functioning and better capacity allocation
  - Strongly agree
  - Agree
  - Neutral
  - Disagree
  - Strongly disagree

Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Standardisation of communication works well
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation.

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?
Fluxys is neutral on the introduction of a new definition of “technical capacity” - see our answer to Q15.

Fluxys notes that a definition of “conditional capacity” will be present in the new Regulation 715. Hence we don’t see the need for another definition in the CAM NC.

Fluxys strongly agrees with a further harmonisation in the offering of interruptible capacities. Mandatory bundling of interruptible capacities would indeed benefit shippers, who would enjoy a simpler process, a clearer view on capacity availability and a guarantee to get capacity at both sides of the IP for the same quantity and duration. Bundling would also force TSOs to offer realistic amounts of interruptible capacity and lead to a fair premium split, instead of being awarded to the TSO which offered interruptible capacity first in an unbundled way.

Fluxys strongly disagrees with the proposal regarding dynamic recalculation. As stated before, TSOs are already maximizing the capacity they offer to the market. Fluxys does hence not see which added value dynamic computation would have for the market.

**CAM NC**

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>/</td>
<td>/</td>
<td>no</td>
</tr>
</tbody>
</table>

**22** Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [x] Strongly disagree

**23** Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Exchange of information between adjacent TSOs works well
### CAM NC
#### Article 8 – Allocation methodology (1/2)

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” – Issue Solution and Issue Solutions Supporting Note</td>
<td>Possibly revisit the set-aside rules of points (6) and (7)</td>
<td>maybe</td>
</tr>
</tbody>
</table>

*(Amendment: review of the Article’s wording in lines 8 to 11)*

### CAM NC
#### Article 8 – Allocation methodology (2/2)

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>FUNC 04/2019 “Auction restrictions NCG”</td>
<td>Relevance to be re-assessed</td>
<td>maybe</td>
</tr>
</tbody>
</table>

*“Given the auction-based capacity allocation according to CAM NC at IPs and the deviating capacity allocation process at DEPs based on national law, capacity cannot be allocated in a straightforward manner as competing capacities. Based on that, a reallocation of capacities from IP to DEP might be appropriate as an interim measure for such exceptional cases, if TSOs are guided by a number of predefined criteria:*

- This procedure is implemented in all relevant projects via the ESP or the DEP.
- There is no limitation regarding the existence of a minimum potential for competing demand for capacity at such IP and DEP and is the result of an allocated market expansion, the level of demand at the DEP and the maximum capacity of the TSO to allocate to the IP.
- The reallocation is not limited to the IP, but is subject to the reallocation of capacities to other market areas.
- The TSOs are responsible for managing the capacity in the DEP.
- The objective of this procedure is to allocate the capacity to the DEP and the TSOs are responsible for allocating the capacity to the relevant market areas.
- The TSOs are responsible for the allocation of the capacity to the relevant market areas.
- The TSOs are responsible for managing the capacity in the DEP.

---

**24 Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement?**

(Yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree
25 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys does not see the need for an adjustment of the set-aside rules. CAM NC is only applicable to IP, and hence not to DEP, which should be dealt with at Member State level.

26 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

27 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys welcomes the idea of giving additional flexibility to shippers to book the remaining days of a month. However, introducing a new capacity product is not the best option to do so (see also our answer to Q37). The implementation of such product might indeed be challenging, for example for the multipliers.
28 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

29 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Applied capacity unit works well
**30** Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

**31** Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys is in favour of giving to the market additional flexibility to book capacity in advance.
Fluxys agrees with the principle that "Once proposed via UPA, a product can no longer be proposed via ACA again", taking into account the fact that only the coming gas year will be offered via UPA until the start of the relevant gas year.
15

32. Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

33. Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys is in favour of giving to the market additional flexibility to book capacity in advance.
**34** Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

**35** Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys is in favour of giving to the market additional flexibility to book capacity in advance. When it comes to monthly auctions, further analysis seems necessary to identify the solution that will best answer the market needs.
**36** Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

**37** Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

See our answer to Q27. Fluxys welcomes the idea of giving more options to shippers to book capacity but is against introducing a new capacity product to do so. The "Balance-of-Month" concept is however interesting and could be implemented via existing daily products instead.
**38** Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe=amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

**39** Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys understands that offering DA products for the following 7 days is an alternative to the Balance-of-Month mechanism (and not product). Our preference goes to the BoM, which offer more flexibility for shippers.
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

41 Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys strongly agrees with this proposal, which would give more time to shippers to balance their portfolios. Fluxys would also draw ACER attention to the fact that, by doing so, the gap between the first and the second within day auction could be used for creating additional within day auctions.
42 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

43 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

UPA is a fast and efficient algorithm, that is well-suited to auction remaining capacity after ACA.
### 44 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree

### 45 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys is strongly against the modification of the level of price steps during an auction process. Such mechanism would be overly complex for TSO and disturbing for shippers, whose strategies are defined based on a given set of data. We are not in favor of terminating an ACA to run an UPA, nor of using pro rata allocation of capacities. In order to reduce the length of an auction, it is more efficient to properly define the level of large and small price steps before the auction starts, as already defined in the NC CAM.
46 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

47 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

UPA auction algorithm works well

H CAM NC, Chapter IV
Bundling of capacity at interconnection points (Articles 19-21)
Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Regarding technical capacity, we refer to our answers to Q15 and Q21.
Regarding implementation of VIPs, any new (or different) requirement will most likely lead to loss of efficiency or of firm capacity.
Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Transport contracts are already harmonized, in line with CAM NC requirements. We do not think that further harmonization is desirable nor possible, due to specificities of national regulations.
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

An amendment may further improve the market functioning and better capacity allocation.

PLEASE ELABORATE ON WHY DO YOU AGREE OR DISAGREE WITH ACER’S REVIEW, BEING SPECIFIC ABOUT WHICH ELEMENTS YOU AGREE OR DISAGREE WITH? ARE THERE FURTHER IMPROVEMENTS THAT YOU CONSIDER RELEVANT IN THIS AREA IN ADDITION TO THE ONES RAISED BY ACER IN THE SCOPING DOCUMENT; PLEASE EXPLAIN YOUR REASONING?

ENTSOG has provided a harmonized conversion model.

I CAM NC, Chapter V
Incremental capacity process (Articles 22-31)
**CAM NC**

**Article 22 – Economic test**

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>/</td>
<td>The chapter on incremental capacity should be deleted from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.</td>
<td>maybe</td>
</tr>
<tr>
<td>N/A</td>
<td></td>
<td>no</td>
</tr>
</tbody>
</table>

* 54 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

* 55 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys welcomes ACER proposal to delete the chapter on incremental capacity from the CAM NC. The current process is very unflexible and creates a lot of admin work at the TSOs side, without creating added value.

However, Fluxys thinks that the spirit of the current process has an added value. NRAs could for example have the freedom to reuse it and define a new, efficient and flexible process.
**Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?**

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

**Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?**

In line with Q55
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

59 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with Q55
**60** Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

**61** Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with Q55
<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
</table>
| 2nd Monitoring Update on Incremental Capacity Projects - 2021 | Frequency of process  
- “As far as the existing incremental process is concerned, the process is burdensome for TSOs and NRAs and, given the limited expectations on the future gas consumption: NRAs question whether the obligation to repeat the incremental-capacity cycle every 2 years for all gas interconnection points remains meaningful.” (p. 12)  
Administrative fees  
- “Within the current rules, NRAs may, in line with Article 26(11) of the CAM NC, approve the charging of a fee to network users that wish to express non-binding interest. Such fee shall reflect the administrative costs of the process and could help to attract more robust expressions of non-binding interest that have a better chance of being converted into binding capacity bookings or lead to a closure of the incremental process in the earliest stage of the demand assessment.” (p. 12) | maybe |
| N/A | The chapter on incremental capacity should be deleted from the NC. Triggering cross-border investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures. | maybe |

* 62 Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree

* 63 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with Q55
<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>/</td>
<td>/</td>
<td>no</td>
</tr>
<tr>
<td>N/A</td>
<td>The chapter on incremental capacity should be deleted from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.</td>
<td>maybe</td>
</tr>
</tbody>
</table>

- Hydrogen and decarbonised gas markets package must fix legal basis
- JUDGMENT OF THE GENERAL COURT: In March 2022 (T-54/19 and T-704/19)

*64 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

   An amendment may further improve the market functioning and better capacity allocation
   - Strongly agree
   - Agree
   - Neutral
   - Disagree
   - Strongly disagree

*65 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with Q55
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

67 Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with Q55
Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with Q55
Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with Q55
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

73 Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with Q55

J CAM NC, Chapter VI
Interruptible capacity (Articles 32-36)
**Article 32 – Allocation of interruptible services**

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
</table>
| ACER Special Report on addressing congestion in North-West European gas markets | • “Neighbouring TSOs to extensively coordinate and jointly maximise the availability of firm and interruptible capacities,” (p. 4)  
• Bundling as key principle for offering interruptible capacity (CAM TF) | yes |
| FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue, Solutions, Supporting Note | Alignment with proposals on  
• Additional booking opportunities  
• Advance booking of monthly products  
• Advance booking of day-ahead products (Daily offer of DA products for the following 7 days on a rolling basis until the end of the month; Introduction of a ‘Balance-of-Month’ product) (cf. Annex 1 – Issue Solution, Supporting Note Evaluation of FUNC Issue 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 14-19) | yes |
| FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue, Solutions, Supporting Note | Move Y, Q, M Interruptible auctions from ACA to UPA  
• It “should allow a quicker allocation and avoid the cases of inefficiencies of ACA under certain market conditions to effectively allocate interruptible capacity” (cf. Annex 1 – Issue Solution, Supporting Note Evaluation of FUNC Issue 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 23) | maybe |

74 Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes= amendment identified, maybe= amendment may improve market, no= no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

75 Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In line with our answers to Q21 (TSOs already maximize today the offered capacity) and Q31 (Fluxys in favor of a broader auction calendar for shippers to book capacities). As stated in our answer to Q21, Fluxys is however in favor of bundling as a key principle for offering interruptible capacity.
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Minimum interruption lead times are clearly defined
Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Coordination of interruption process works well
80 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

81 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Defined sequence of interruptions is clearly defined
<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>no</td>
</tr>
</tbody>
</table>

*82 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

*83 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Reasons for interruption are clearly defined

K CAM NC, Chapter VII
Capacity booking platforms (Article 37)
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

No comment

L CAM NC, Chapter VIII
Final provisions (Articles 37A-40)
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes= amendment identified, maybe= amendment may improve market, no= no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please elaborate on why do you agree or disagree with ACER’s review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Fluxys agree that some flexibility should be embedded in the CAM NC, allowing a clearly defined set of parameters to be adapted without the need to go through a formal process that can today take several years.
**88** Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

**89** Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

No comment
90 This article concerns legal procedural matters; please write down any comments you may have on this article?

91 This article concerns legal procedural matters; please write down any comments you may have on this article?

M Other comments or suggestions
Do you have any other comments or suggestions?

Given the amendment of the definition of an "Interconnector" in Directive (EU) 2019/692, the scope of interconnection points now includes points with third countries. As a result, Article 2.1 of CAM NC might need to be amended to avoid any future legal issues. The first sentence of Article 2.1 indeed reads "This Regulation shall apply to interconnection points" and could hence be mistakenly interpreted as "IP with an entry and exit point from and to a third country falls within scope of this Regulation". This is not the original idea and contradicts with the following sentence of Article 2.1, which clearly states that CAM regulation will only apply to such points subject to a decision of the relevant NRA.

N Responses are published in full, safe for the contact person information; please confirm that your version does not contain confidential information

* 93 I understand my response will be published and
  - ☐ I confirm that my response does not contain confidential information
  - ☐ I confirm that my response contains confidential information, properly marked as such, and a non-confidential version of my answer is included

Thank you!

Contact

Contact Form